

SENATE BILL 203
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 40,
relative to criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-14-207, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b)

(1) In cases where the defendant has been found to be indigent by the court of record having jurisdiction of the case, such court in a hearing held in open court and on the record may, in its discretion, determine that investigative or expert services or other similar services are necessary to ensure that the constitutional rights of the defendant are properly protected. If such determination is made, the court may grant prior authorization for these necessary services in a reasonable amount to be determined by the court. The authorization shall be evidenced by a signed order of the court. The order shall provide for the reimbursement of reasonable and necessary expenses by the administrative director of the courts as authorized by this part, and rules promulgated thereunder by the supreme court.

(2) Ex parte hearings or ex parte meetings between the trial judge and counsel for the purpose of determining the necessity of investigative or expert services or other services authorized by this section are prohibited.

(3) The victim or victims' representative has the right to be present at all proceedings where the defendant has the right to be present.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.